

Thomas M. DeMicco (TD 5037)
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP
3 Gannett Drive
White Plains, NY 10604-3407
Telephone: 914-323-7000
Facsimile: 914-323-7001
thomas.demicco@wilsonelser.com

ATTORNEYS FOR DEFENDANT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
NIRVANA INTERNATIONAL, INC.,

Plaintiff,

vs.

ADT SECURITY SERVICES, INC.,

Defendants.

Case No. 11-CIV-8738

**MOTION BY DEFENDANT ADT
SECURITY SERVICES, INC. TO
DISMISS**

Defendant, ADT SECURITY SERVICES, INC., (“ADT”) by and through the undersigned counsel, hereby moves the Court, upon the accompanying memorandum of law, by its attorneys Wilson Elser Moskowitz Edelman & Dicker LLP, will move the Court for an Order Pursuant to Fed. R. Civ. Pro. 12(b)(6) dismissing Plaintiff’s Complaint with prejudice, because:

1) The plaintiff’s complaint fails to state a claim upon which relief can be granted.

Answering papers, if any, are required to be served upon the undersigned within fourteen (14) days after service of the motion, pursuant to Local Civil Rule 6.1.

The Court will notify the parties regarding the hearing date.

Dated: White Plains, New York
December 22, 2011

Respectfully Submitted,

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP



Thomas M. DeMicco
3 Gannett Drive
White Plains, NY 10604-3407
Telephone: 914-323-7000
Facsimile: 914-323-7001
thomas.demicco@wilsonelser.com

***Attorneys for Defendant
ADT Security Services, Inc.***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this motion was served via US Mail
and CM/ECF filing on December 22nd, 2011 to:

Steven A. Berger
Jonathan Rogin
BERGER & WEBB, LLP
7 Times Square, 27th Floor
New York, NY 10036
Phone: 212-319-1900
Fax: 212-319-2017
sberger@bergerwebb.com

***Attorneys for Plaintiff
Nirvana International, Inc.***

A handwritten signature in black ink, appearing to read 'Thomas M. DeMicco', is written over a horizontal line.

Thomas M. DeMicco (TD 5037)